



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

CLARENCE EDWARD CYRUS,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 8:05-1384-HFF-BHH
	§	
U.S. MARSHALS OF COLUMBIA, SC et al.,	§	
Defendants.	§	

AMENDED ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE

This case was filed as a *Bivens* and a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' Motions for Summary Judgment (#29 and #33) be granted; Plaintiff's motions for Partial Summary Judgment (#41) and to Hold the Proceedings in Abeyance Pending Discovery (#36) be denied; Plaintiff's claims be dismissed with prejudice; and Plaintiff's pending motion for an extension (#35) be denied as moot. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 31, 2007. Plaintiff's objections were entered by the Clerk on February 26, 2007. The Court has reviewed the objections, but finds them to be without merit.

Accordingly, after a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report. and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' Motions for Summary Judgment (#29 and #33) be **GRANTED**; Plaintiff's motions for Partial Summary Judgment (#41) and to Hold the Proceedings in Abeyance Pending Discovery (#36) be **DENIED**; Plaintiff's claims be **DISMISSED** with prejudice; and Plaintiff's pending motion for an extension (#35) be **DENIED** as moot.

IT IS SO ORDERED.

Signed this 27th day of February, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.